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17 IN THE UNITED STATES DISTRICT COURT  
18 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
19 SAN FRANCISCO DIVISION

20  
21 AN DUY NGUYEN,

Petitioner,

22 v.  
23 MIKE EVANS, Warden,

Respondent.

24 C 07-3979 SI (PR)

25 **DECLARATION OF JEREMY  
FRIEDLANDER IN SUPPORT  
OF MOTION TO ACCEPT  
OVERSIZE MEMORANDUM  
OF POINTS AND  
AUTHORITIES IN SUPPORT  
OF ANSWER TO PETITION  
FOR WRIT OF HABEAS  
CORPUS**

26 I, Jeremy Friedlander, declare under penalty of perjury as follows: I am a Deputy Attorney  
27 General for the State of California and have been assigned litigation responsibility for this habeas  
corpus proceeding on behalf of respondent, Mike Evans.

28 On September 18, 2007, this Court ordered respondent to file an answer and supporting  
memorandum of points and authorities in this case. I have now completed both the answer and  
supporting memorandum and I submit them herewith. The supporting memorandum is 28 pages.  
The local rule limits briefs to 25 pages. Local Rule 7-4(b). The points and authorities in support of  
the petition in this case are about 15 pages but do not include a statement of facts. The state

1 appellate court's statement of facts is less than a page. Respondent has included a complete  
2 statement of facts (10 pages long) which includes a detailed summary of the most important single  
3 piece of evidence in this case—a videotape showing the crime scene immediately before and after  
4 the killing. I believe that the full statement of facts is necessary for a proper understanding of the  
5 case. Accordingly, I believe I would not be effectively serving the interests of respondent or  
6 assisting this Court in the disposition of the case by submitting a brief shorter than I have prepared.

7 For that reason, I request leave to file a memorandum of points and authorities in support  
8 of the Answer to Petition for Writ of Habeas Corpus in excess of the page limitation.

9 Dated: January 25, 2008

10 Respectfully submitted,  
11 EDMUND G. BROWN JR.  
Attorney General of the State of California  
12 DANE R. GILLETTE  
Chief Assistant Attorney General  
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Senior Assistant Attorney General  
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/s/ Jeremy Friedlander

JEREMY FRIEDLANDER  
Deputy Attorney General  
Attorneys for Respondent

JF:er  
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SF2007402579

**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: *Nguyen v. Evans*

No.: **C 07-3979 SI (PR)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On January 25, 2008, I served the attached **1. MOTION TO ACCEPT OVERSIZE MEMORANDUM OF POINTS AND AUTHORITIES; 2. DECLARATION OF JEREMY FRIEDLANDER IN SUPPORT OF MOTION; and 3. [PROPOSED] ORDER** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

An Duy Nguyen  
V-68985  
Salinas Valley State Prison  
P.O. Box 1050  
Soledad, CA 93960-1060

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on January 25, 2008, at San Francisco, California.

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E. Rios

Declarant

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*E. Rios*

Signature